

1
2
3
4
5
6
7
8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
10

11 HARVEY EUGENE LARSON,

12 Plaintiff,

2:04-cv-2738-GEB-CMK-P

13 vs.

14 ARNOLD SCHWARZENEGGER,

15 Defendant.

ORDER

16 _____/
17 Plaintiff, a state prisoner proceeding pro se, filed a
18 complaint on December 30, 2004, seeking relief pursuant to 42
19 U.S.C. § 1983. The matter was referred to a United States
20 Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local
21 General Order No. 262.

22 On March 9, 2005, the magistrate judge filed findings
23 and recommendations herein which were served on plaintiff and
24 which contained notice to plaintiff that any objections to the
25 findings and recommendations were to be filed within twenty days.
26

1 Plaintiff has filed objections to the findings and
2 recommendations.

3 In accordance with the provisions of 28 U.S.C.
4 § 636(b)(1)(C) and Local Rule 72-304, this court has conducted a
5 de novo review of this case. Having carefully reviewed the
6 entire file, the court finds the findings and recommendations to
7 be supported by the record and by proper analysis.

8 Accordingly, IT IS HEREBY ORDERED that:

9 1. The findings and recommendations filed March 9,
10 2005, are adopted in full; and

11 2. This action is dismissed, without prejudice, for
12 failure to exhaust administrative remedies and for failure to
13 state a claim upon which relief can be granted.

14 DATED: October 24, 2005

15 /s/ Garland E. Burrell, Jr.
16 GARLAND E. BURRELL, JR.
United States District Judge
17
18
19
20
21
22
23
24
25
26